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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SPOTLIGHT TICKET
MANAGEMENT, INC. d/b/a
TICKETMANAGER,

Plaintiff,

v.

CONCIERGE LIVE LLC,
Defendant.

CONCIERGE LIVE LLC,
Counterclaimant,

v.

SPOTLIGHT TICKET
MANAGEMENT, INC., dba
TicketManager,

Counterclaim defendant.

CASE No. 2:24-cv-00859-WLH-SSC

**CONCIERGE LIVE LLC'S
SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS**

Courtroom: 790

Hearing: Dec. 4, 2025, at 11:00 am

Discovery Date: Dec. 10, 2025

Pre-Trial Conf.: April 17, 2026

Trial Date: May 4, 2026

1 Pursuant to the Court’s October 28, 2025 Order (ECF No. 98) and Local Rule
2 37-2.3, Defendant-Counterclaimant Concierge Live LLC (“Concierge Live”)
3 respectfully submits the following Supplemental Memorandum in support of its
4 Motion to Compel Production of Documents (ECF No. 109 (“Motion”)).

5 Spotlight’s opposition to the Motion rests on the premise that it satisfied its
6 discovery obligations because it conducted a search for any “close proximity”
7 between the word “integrat!” and “Ticketmaster” (and names of other providers). As
8 explained in the Joint Stipulation, that response is insufficient.

9 Concierge Live’s Motion presented evidence that Spotlight’s production
10 based on its proximity searches was facially incomplete. For example, Spotlight’s
11 marketing materials that Concierge Live obtained from non-parties contain
12 documents with “intrgat!” proximate to “Ticketmaster” that Spotlight failed to
13 produce.

14 Spotlight argues that Concierge Live has identified only a single instance of
15 Spotlight failing to produce documents that contained “integrat!” proximate to
16 “Ticketmaster.” That is not true. For example, Spotlight ignores another highly
17 relevant document that Concierge Live obtained from a nonparty, but that Spotlight
18 failed to produce: a June 6, 2021 email from Spotlight’s Brett Cahn to a Concierge
19 Live customer, Shift4, which attached a March 31, 2021 letter from Ticketmaster,
20 referencing the supposed “exclusive partnership with TicketManager” and stating
21 that Spotlight is “our only Nexus Certified Partner who has an *integration* with
22 *Ticketmaster* in the event and corporate ticket management market.” Supplemental
23 Declaration of Christoph Heisenberg (“Heisenberg Supplemental Declaration”), Ex.
24 A (emphasis added).¹ This document goes to the core of Concierge Live’s false
25

26 ¹ In Spotlight’s Answer to Concierge Live’s Counterclaim, Spotlight denied
27 that it “sent, or caused to be sent, to its customers, potential customers, and
28 Concierge Live’s customers the document attached as Exhibit L to the SAC [*i.e.*, the
March 31, 2021 Ticketmaster letter].” *Compare* Concierge Live Counterclaim ¶ 51

1 advertising Counterclaim, since it shows that Spotlight used its false claim of
2 “exclusive” access to Ticketmaster to obtain clients.

3 Concierge Live brought the Shift4 document to Spotlight’s attention before
4 Spotlight’s November 13, 2025 submission of its response to the Motion, but
5 Spotlight declined to offer any explanation for its failure to produce the document.

6 Concierge Live discovered another example of the deficiencies in Spotlight’s
7 production *during* the briefing of the Motion. On November 10, 2025, non-party
8 Gibson Dunn Crutcher produced documents in response to Spotlight’s own
9 subpoena. Gibson Dunn’s production included a December 4, 2024 email from
10 Spotlight’s head of sales, Spencer Korey, to Gibson Dunn (to whom Spotlight was
11 pitching its business) representing that “the *Ticketmaster integration* is Exclusive to
12 TicketManager.” *See* Heisenberg Suppl. Decl., Ex. B (emphasis added).

13 As is plain from the italicized text, Spotlight’s email contains the search terms
14 in proximity—the search terms that Spotlight professes to have utilized. The January
15 8, 2025 Gibson Dunn email also postdates a litigation hold, which means that it
16 should still exist in Spotlight’s email system (unlike the deck presented by Spotlight
17 to another potential client, and discussed in the Joint Stipulation, which Spotlight
18 asserts was deleted from its server). Yet, Spotlight failed to produce it.

19 Concierge Live brought the Gibson Dunn document to Spotlight’s attention
20 on November 12, 2025, ***prior to Spotlight’s response to this Motion***, but Spotlight
21 did not offer any explanation for its non-production.

22 Although Spotlight is correct that the Court cannot compel it to produce
23 documents that it does not have, the evidence shows that Spotlight does have the
24 documents. As noted above, some missing relevant documents post-date the start of
25

26 _____
27 (ECF No. 71 at #1006), *and* Spotlight Answer to Counterclaim ¶ 51 (ECF No. 73 at
28 #1041). The Shift4 email—which was not produced by Spotlight—reveals
Spotlight’s denial to be false.

1 the litigation. Moreover, Spotlight’s declarations regarding its searches lack
2 foundation or any concrete facts. For example, Spotlight does not present a
3 declaration from the person(s) who conducted the searches. Instead, Spotlight offers
4 only a declaration of Erik C. Kane, outside counsel for Spotlight, which merely
5 states that he directed someone at Spotlight to perform searches. *See* Decl. of Erik
6 C. Kane in Support of Joint Stipulation Regarding Concierge Live’s Mot. to Compel
7 Production of Documents (attached as Exhibit 2 to the Motion; “Kane Decl.”) ¶¶ 3–
8 7. Moreover, the Kane Declaration does not state that Spotlight produced all non-
9 privileged responsive documents resulting from the proximity searches, only that
10 some production occurred “as a result.” *See id.* ¶ 7.

11 Likewise, Spotlight does not offer a declaration that it produced all relevant
12 non-privileged documents that contain the more specific search phrase (e.g., titles of
13 relevant slides) formulated by Concierge Live after its review of Spotlight’s initial
14 production. To the contrary, Spotlight admits a wide gap between the number of
15 documents that it identified in its searches for those specific phrases and the number
16 of documents it produced. *See, e.g.,* Kane Decl. ¶ 20.

17 Spotlight offers no persuasive explanation of why that wide gap does not
18 compel the need for a supplemental review and production of documents by
19 Spotlight. Spotlight instead resorts to vagaries, such as the statement that it ran the
20 demanded searches and got **50,000 hits** for just one phrase and **25,000 hits** for
21 another. But Spotlight tellingly does not address the “exclusive integration”
22 phrase—one of the phrases that Concierge Live asked Spotlight to search for—
23 which Spotlight admits resulted in 6,000 hits; yet Spotlight produced only 204
24 documents containing this phrase. It is unlikely that the phrase “exclusive
25 integration” appears in another context irrelevant to this case, and it is not
26 burdensome for Spotlight to review and produce 6,000 documents. Mot. at 18.

27 So that Concierge Live could address Spotlight’s claim of burden, it
28 repeatedly asked Spotlight to identify its actual search results. Indeed, Concierge

1 Live’s joint stipulation in support of its Motion contains a table and Concierge Live
2 requested during the meet-and-confer that Spotlight specifically identify its search
3 hits in that table, but Spotlight declined to do so, taking cover behind its claims of
4 “burden” with respect to two *unspecified* searches. *See id.* ¶ 32.

5 Spotlight’s only attempt to reconcile the difference between the number of
6 hits on the specific phrases and the much smaller number of documents produced is
7 that slides might not contain the words used in its initial proximity searches. But
8 Concierge Live knows, based on Spotlight’s existing production, that slides
9 containing certain specific phrases (such as “Capabilities Matrix”) contain terms that
10 would have matched Spotlight’s proximity search, yet Spotlight’s production
11 contains only a fraction of such slides that exist in Spotlight’s records.

12 By its own admission, Spotlight’s searches for the specific phrases have
13 identified a volume of files orders of magnitude larger than what Spotlight
14 produced. *See, e.g.,* Kane Decl. ¶ 20. Rather than validate the sufficiency of
15 Spotlight’s preliminary searches, the disparity in the number of these search results
16 in Spotlight’s records and the small number of documents with those terms that
17 Spotlight has produced should cause the Court alarm about the incompleteness of
18 Spotlight’s prior searches. This conclusion is further reinforced by the instances in
19 which Concierge Live independently obtained from non-parties copies of
20 Spotlight’s promotional materials that contained the terms that Spotlight purportedly
21 used in its proximity search, but that were not produced by Spotlight. There is no
22 basis for Spotlight refusing to produce documents resulting from searches of
23 relevant phrases.

24 Spotlight’s response to the Motion also asserts, based on a conclusory
25 declaration from outside counsel without foundation, that “after extensive searching,
26 Spotlight was unable to locate a single slide deck that purportedly had ‘fallen into a
27 gap’.” Mot. at 5 n.2. Yet, Spotlight has refused to identify any specific numbers,
28 arguing that even running the searches themselves is burdensome.

1 Spotlight states that “[a] mere suspicion that additional documents must exist
2 is an insufficient basis to grant a motion to compel.” *Id.* at 18 (quoting *Edge Sys.*
3 *LLC v. Ageless Serums LLC*, 2021 WL 4497505, *7-8 (C.D. Cal. Aug. 20, 2021)).
4 But Concierge Live’s motion is not based on “mere suspicion.” It is apparent from
5 the productions by non-parties that either documents responsive to the litigation
6 were deleted, which would be troubling, or that they existed but Spotlight’s searches
7 and/or production were inadequate.

8 At a minimum, Spotlight should be ordered (i) to provide an explanation in
9 the form of an affidavit from the person(s) who conducted the searches and the
10 production—with proper foundation and specific facts regarding the search and
11 production; and (ii) to make a supplemental production of the responsive, non-
12 privileged documents resulting from the proximity searches and the searches for the
13 more specific phrases.

14
15 DATED: November 20, 2025

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17
18 By: /s/ Christoph C. Heisenberg
19 CHRISTOPH C. HEISENBERG
20 Attorneys for Concierge Live LLC

21 DATED: November 20, 2025

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